

## LEGISLATIVE COUNCIL

Tuesday, 1 July 2014

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:16 and read prayers.

**The PRESIDENT:** We acknowledge this land we meet on today as the traditional lands for the Kaurna people and we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

### *Bills*

#### **TRAVEL AGENTS REPEAL BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **ADMINISTRATION AND PROBATE (REMOVAL OF REQUIREMENT FOR SURETY) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **SUCCESSION TO THE CROWN (REQUEST) BILL**

*Assent*

His Excellency the Governor assented to the bill.

### *Parliamentary Procedure*

### **PAPERS**

The following papers were laid on the table:

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2013—

Flinders University

The University of Adelaide

Regulations under the following Acts—

Associations Incorporation Act 1985—Fee Increases

Bills of Sale Act 1886—Fee Increases

Births, Deaths and Marriages Registration Act 1996—Fee Increases

Burial and Cremation Act 2013—Fee Increases

Child Sex Offenders Registration Act 2006—Disclosure of Personal Information

Community Titles Act 1996—Fee Increases

Co-operatives Act 1997—Fee Increases

Coroners Act 2003—Fee Increases

Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—

Fee Increases

Criminal Law (Sentencing) Act 1988—Fee Increases

Dangerous Substances Act 1979—

Dangerous Goods Transport—Fee Increases

Dangerous Substances—Fee Increases

Development Act 1993

Acts and Activities which are not Development

Fee Increases

Referrals and Concurrences

Disability Services Act 1993—Assessment of Relevant History—Fee Increases

District Court Act 1991—Fee Increases

Emergency Services Funding Act 1998—

Remission of Levy on Metropolitan Primary Production Goods Vehicles  
Remission of Levy on Residential Land  
Employment Agents Registration Act 1993—Fee Increases  
Environment, Resources and Development Court Act 1993—Fee Increases  
Evidence Act 1929—Fee Increases  
Expiation of Offences Act 1996—  
    Reminder and Warning Notices—Fee Increases  
    Unpaid or Unrecovered Amounts—Fee Increases  
Explosives Act 1936—  
    Explosives—Fee Increases  
    Fireworks—Fee Increases  
    Security Sensitive Substances—Fee Increases  
Fair Work Act 1994—Fee Increases  
Fees Regulation Act 1927—Public Trustee Administration Fee—Fee Increases  
Fire and Emergency Services Act 2005—SAMFS—Fee Increases  
Firearms Act 1977—Fee Increases  
Freedom of Information Act 1991—Fees and Charges—Fee Increases  
Hydroponics Industry Control Act 2009—Fee Increases  
Land Tax Act 1936—Fee Increases  
Local Government Act 1999—General—Fee Increases  
Magistrates Court Act 1991—Fee Increases  
Mines and Works Inspection Act 1920—Fee Increases  
Mining Act 1971—  
    Fee Increases  
    Transitional Provisions  
Opal Mining Act 1995—Fee Increases  
Partnership Act 1891—Fee Increases  
Petroleum and Geothermal Energy Act 2000—Fee Increases  
Petroleum Products Regulation Act 1995—Fee Increases  
Police Act 1998—Fee Increases  
Private Parking Areas Act 1986—Fee Increases  
Public Sector Act 2009—Application of Part 7 of Act  
Public Trustee Act 1995—Fee Increases  
Real Property Act 1886—Fee Increases  
Registration of Deeds Act 1935—Fee Increases  
Security and Investigation Industry Act 1995—Fee Increases  
Sexual Reassignment Act 1988—Fee Increases  
Sheriff's Act 1978—Fee Increases  
State Records Act 1997—Fee Increases  
Strata Titles Act 1988—Fee Increases  
Summary Offences Act 1953—  
    General—Fee Increases  
    Weapons—Fee Increases  
Supreme Court Act 1935—Fee Increases  
Worker's Liens Act 1893—Fee Increases  
Work Health and Safety Act 2012—Fee Increases  
Youth Court Act 1993—Fee Increases  
Rules of Court—  
    Environment, Resources and Development Court Rules—Amendment No. 1  
    Magistrates Court (Civil) Rules 2013—Amendment No. 5  
Determination and Report of the Remuneration Tribunal No. 3 of 2014—Conveyance Allowance—Judges, Court Officers and Statutory Officers  
Emergency Services Funding Act 1998—Declaration of Levy and Area and Land Use Factors Notice  
Emergency Services Funding Act 1998—Declaration of Levy for Vehicles and Vessels Notice

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

## Regulations under the following Acts—

- Authorised Betting Operations Act 2000—Fee Increases
- Building Work Contractors Act 1995—Fee Increases
- Conveyancers Act 1994—Fee Increases
- Gaming Machines Act 1992—Fee Increases
- Land Agents Act 1994—Fee Increases
- Land and Business (Sale and Conveyancing) Act 1994—Fee Increases
- Liquor Licensing Act 1997—
  - Dry Areas—Ceduna and Thevenard
  - General—Fee Increases
- Lottery and Gaming Act 1936—Fee Increases
- Plumbers, Gas Fitters and Electricians Act 1995—Fee Increases
- Residential Tenancies Act 1995—Fee Increases
- Second-hand Vehicle Dealers Act 1995—Fee Increases

## By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Report of the Review of the Mental Health Act 2009 by the Chief Psychiatrist of South Australia, May 2014

## Regulations under the following Acts—

- Adoption Act 1988—Fee Increases
- Aquaculture Act 2001—Substitution of Schedule 1—Fee Increases
- Botanic Gardens and State Herbarium Act 1978—Fee Increases
- Brands Act 1933—Fee Increases
- Children's Protection Act 1993—Variation of Schedule 1—Fee Increases
- Controlled Substances Act 1984—Pesticides—Fee Increases
- Crown Land Management Act 2009—Fee Increases
- Environment Protection Act 1993—
  - Fee Increases
  - Insertion of Regulation 86B
- Fees Regulation Act 1927—Incidental SAAS Services—Fee Increases
- Fisheries Management Act 2007—
  - Fee Increases
  - Licence Permit Application—Fee Increases
- Food Act 2001—Fee Increases
- Heavy Vehicle National Law (South Australia) Act 2013—Expiation Fees—
  - Fee Increases
- Heritage Places Act 1993—Fee Increases
- Historic Shipwrecks Act 1981—Fee Increases
- Housing Improvement Act 1940—Section 20 Statements—Fee Increases
- Livestock Act 1997—Fee Increases
- Motor Vehicles Act 1959—Expiation Fees—Fee Increases
- National Parks and Wildlife Act 1972—
  - Hunting—Fee Increases
  - Protected Animals—Marine Mammals—Fee Increases
  - Wildlife—Fee Increases
- Native Vegetation Act 1991—
  - Fee Increases
  - Variation of Regulation 5—Exemptions
- Natural Resources Management Act 2004—
  - Concept Statements and Public Consultation
  - Financial Provisions—Fee Increases
  - General—Fee Increases
  - Insertion of Regulation 43B
- Passenger Transport Act 1994—Fee Increases
- Pastoral Land Management and Conservation Act 1989—Fee Increases
- Plant Health Act 2009—Fee Increases
- Primary Produce (Food Safety Schemes) Act 2004—
  - Citrus Industry—Fee Increases

Eggs—Fee Increases  
 Meat Industry—Fee Increases  
 Plant Products—Fee Increases  
 Seafood—Fee Increases  
 Radiation Protection and Control Act 1982—  
   Ionising Radiation—Fee Increases  
   Non-ionising Radiation—Fee Increases  
 Rail Safety National Law (South Australia) Act 2012—Fee Increases  
 Retirement Villages Act 1987—Fee Increases  
 Roads (Opening and Closing) Act 1991—Fee Increases  
 Road Traffic Act 1961—Miscellaneous—Expiation Fees—Fee Increases  
 South Australian Public Health Act 2011—  
   Legionella—Fee Increases  
   Wastewater—Fee Increases  
 Tobacco Products Regulation Act 1997—Fee Increases  
 Valuation of Land Act 1971—Fee Increases  
 Lifetime Support Authority Code of Conduct and Participant Service Charter 2014

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Regulations under the following Acts—  
 Water Industry Act 2012—Fee Increases

**The PRESIDENT:** It is good to see the Hon. Mr Brokenshire back again. I hope all is well. It is also good to see Ms Lee. Well done; welcome back.

*Ministerial Statement*

**GOVERNOR, APPOINTMENT**

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25):** I table a copy of a ministerial statement relating to the appointment of the new Governor made earlier today in another place by my colleague Premier Jay Weatherill.

**NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25):** I also table a copy of a ministerial statement relating to the National Disability Insurance Scheme in South Australia made earlier today in another place by my colleague the Hon. Tony Piccolo.

**LIFETIME SUPPORT SCHEME**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26):** I table a copy of a ministerial statement relating to the Lifetime Support Scheme made earlier today in another place by my colleague the Hon. Jack Snelling MP.

*Question Time*

**AUSTRALIAN CENTRE FOR PLANT FUNCTIONAL GENOMICS**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27):** I seek leave to make a brief explanation before asking the Minister for Science and Information Economy—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. D.W. RIDGWAY:** They're just picking on me again, Mr President; it just doesn't cease. I have a question about the Australian Centre for Plant Functional Genomics.

Leave granted.

**The Hon. D.W. RIDGWAY:** As members here would recall—although some were quite young and were not here at the time—the Australian Centre for Plant Functional Genomics was established in 2003 and the state government established that with some core financial investments that were provided annually from the South Australian government, the Australian Research Council and the Grains Research & Development Corporation. My recollection is that in 2010-11 or 2011-12, the state government's contribution was \$1.8 million for the year. The Australian Centre for Plant Functional Genomics is renowned around the world as one of the world's leading research facilities particularly in the area of grain technology.

In 2012, the South Australian government advised the Australian Centre for Plant Functional Genomics that it was reducing its annual investment from \$1.8 million down to \$0.26 million—so, from \$1.8 million to \$260,000. The flow-on effect of that has been that the Grains Research & Development Corporation has now advised the Australian Centre for Plant Functional Genomics that, due to this drop in equity funding, it will from next year withdraw core equity investment and only fund the Australian Centre for Plant Functional Genomics on a project basis.

This means that the Australian Centre for Plant Functional Genomics will lose the financial base to protect, and generate value from, the intellectual property it has developed over the last 11 years. They are also in danger of losing key scientific staff and the essence which has made the Australian Centre for Plant Functional Genomics successful. My question is: given that food and wine, but particularly food, is one of the government's seven strategic priorities, why did the government reduce its funding to the Australian Centre for Plant Functional Genomics by \$1½ million in 2012 to only \$260,000?

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:29):** I thank the honourable member for his question. Indeed, over the past 10 years of government, this government has invested, I am advised, \$20.75 million to the Australian Centre for Plant Functional Genomics, contributed to the facility at the Waite and also influenced the corporate structure, ensuring easy collaboration with industry and other research providers.

It is involved in investment leverage of up to about \$148 million and in world-renowned research. It has agreements with multinationals, such as our agritech companies. In recent years, we have had to make very difficult and challenging funding decisions, and we have had to reduce some of the funding for the Centre for Plant Functional Genomics. I find the Hon. David Ridgway and the opposition to be total hypocrites in this space.

**The Hon. J.M.A. Lensink:** How is that?

**The Hon. G.E. GAGO:** I am asked the question, 'How is that?', so I look forward to outlining that. We see that the federal Liberal government will slash, over this state's forward estimates, \$898 million from South Australia's budget, equivalent to 600 beds from health, abandoning \$320 million in Gonski agreements in relation to education—they have been slashed. We also have \$27 million of funding for concessions, our road supplement money, roads in the regions—the Hon. John Dawkins is always going on about country roads—they have been slashed. This federal Liberal government has slashed funds from South Australia's budget, and these slashes will have a profound impact. In relation to science and research—

*Members interjecting:*

**The Hon. G.E. GAGO:** Yet they laugh. They think that this is funny. They think that the damage that these cuts are going to have on ordinary South Australians is a laughing matter. In relation to the cuts to science and research, we see that the 2014 Liberal commonwealth budget outlined wideranging cuts to federal science and research programs. This will have a very negative impact on research activity here in South Australia. Any reduction in research funding will increase the competition for the remaining funding in South Australia.

The commonwealth expects savings of around \$845 million over five years by abolishing a number of programs from 1 January 2015, including Commercialisation Australia, Innovation Investment Fund, Enterprise Connect and Industry Innovation Precincts, just to name a few. The federal Liberal government has also made cuts to the budgets of CSIRO, the Australian Research

Council, Defence Science and Technology Organisation (DSTO), Australian Nuclear Science and Technology Organisation, the Australian Institute of Marine Science and the Cooperative Research Centre (CRC).

In relation to Australian Research Council (ARC), they have applied a one-off 3.25 efficiency dividend, which equates to around \$75 million slashed and, of course, those reductions hamper Australia's ability to attract and retain the best and brightest researchers. In relation to our CRC program, the federal Liberal government will cut \$80 million from the CRC program over the forward estimates. Also, clean energy programs—

*Members interjecting:*

**The Hon. G.E. GAGO:** These are the cuts that the federal Liberal government made to research here in South Australia. These are the cuts that the colleagues of these people sitting opposite me have slashed from our science and research agenda.

*The Hon. J.M.A. Lensink interjecting:*

**The PRESIDENT:** The Hon. Ms Lensink, please, I respect your right to speak without interruption, so please respect the minister's right. The Hon. Mr Ridgway.

#### **AUSTRALIAN CENTRE FOR PLANT FUNCTIONAL GENOMICS**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35):** Can the minister explain—

**The PRESIDENT:** She actually hadn't finished.

**The Hon. D.W. RIDGWAY:** But she sat down.

**The PRESIDENT:** I told her to sit down so that I could talk.

**The Hon. D.W. RIDGWAY:** She never listens to you so I thought she had finished.

**The PRESIDENT:** The honourable minister.

**The Hon. G.E. GAGO:** As well as that, we see the federal Liberal government has also slashed important science and research funding from the CSIRO. They plan to cut around \$111 million from the CSIRO's budget over the next four years and, of course, we know that the CSIRO is an outstanding organisation of international repute having invented technology such as wi-fi, extended wear contact lenses, and the list goes on. These cuts are likely to lead to a loss of more than 400 jobs from our science and research areas around Australia by the end of June 2015. That is only a few. I have many more examples which I am happy to share with the chamber if provoked in relation to the really shocking cuts that this federal Liberal government has made to our science and research agenda.

#### **AUSTRALIAN CENTRE FOR PLANT FUNCTIONAL GENOMICS**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36):** Supplementary.

**The PRESIDENT:** The Hon. Mr Ridgway.

**The Hon. D.W. RIDGWAY:** Given the cuts that the minister has outlined, can she explain to the people of South Australia why it is a sound investment to invest \$2 million a year into the member for Waite to be minister, yet take \$1½ million a year away from the Australian Centre for Plant Functional Genomics which is in the electorate of Waite—so you have a very clear choice.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:36):** I would challenge the opposition in light of this very hypocritical concern for science and research. I would like to see what the Liberal opposition has done in approaching their federal colleagues to overturn these dreadful cuts to our science and research budget, including the Australian Nuclear Science and Technology Organisation.

The commonwealth has cut \$27.6 million from ANSTO's budget and also to the research and development (R&D) tax incentive program. The commonwealth will reduce the amount of assistance available to industry under this program by 1.5 percentage points. This will have a particularly harsh effect on small to medium enterprises, which of course we know make up the bulk

of South Australia's economy, and comes at a time when Australia needs to obviously boost its expenditure, not slash and burn.

So I would challenge members opposite me, if they were really genuine about doing something and if they were really sincere about wanting to do something about science and research, I would like to see telephone calls and I would like to see the correspondence that they have sent off to their federal colleagues urging them to reverse these hideous cuts to our science and research agenda.

#### **ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT**

**The Hon. J.M.A. LENSINK (14:38):** I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation regarding morale in the Department of Environment, Water and Natural Resources.

Leave granted.

**The Hon. J.M.A. LENSINK:** At the recent launch of DEWNR's corporate plan for 2014-15, the CE stated to the staff that he had abandoned a particular vision statement which was as follows: 'We put the environment first; South Australians put the environment first.' In his own words, he said: 'I like that because we don't.' He was referring to this state. My questions for the minister are:

1. Do you agree with the CE of your department that South Australians don't put the environment first?
2. Where does the environment rank in this Labor government's priorities? Is it fifth, eighth, 18<sup>th</sup>, or where would the minister rank it?
3. What is the minister doing to address the levels of cynicism and low morale that would lead to the leader of the department making such a remark?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:39):** I thank the honourable member for her most important question. If she wants to ask questions about commitment to the environment I am prepared to stand up to her any day. If those opposite—

**The Hon. J.M.A. Lensink:** \$600,000 for an artificial reef; goodness me!

**The PRESIDENT:** The Hon. Ms Lensink, you have asked the question and he is now trying to answer it. The honourable minister.

**The Hon. I.K. HUNTER:** Mr President, if the honourable member opposite was so serious about the environment, why didn't she address the issue in her election commitments? What were the Liberal Party's election commitments, Mr President? It was \$1 million for extra rangers, and I think around \$20,000 or \$25,000 for an organisation their own federal Liberal National Party government cut. That is what they did, and they came up with a couple of thousand dollars to fund it. That was it: \$1 million and zip—that was their commitment to the environment. Plus, their jewel-in-the-crown commitment was to rip apart marine parks. They have come in here as an opposition with a bill to strip two-thirds away from our sanctuary exclusion zones, leaving us with a remnant.

They are stripping out the jewels in the crown from our marine park exclusion zones. That is their credentials as an environmentally concerned party. They have not got a clue. Their biggest promise, as I said, is to unwind the greatest environmental initiative of the past two decades in South Australia. In the March state election the Labor government committed roughly \$30 million over the forward estimates for environmental initiatives.

As I said, if they were really concerned they would not have insulted the electorate at the last election with pathetic commitments for the environment and the promise to rip apart marine parks as they have done and are now proceeding to do so with the Hon. Michelle Lensink's bill, which I understand she seeks to bring to a vote tomorrow in this place.

Why are we surprised at this? We know the protection of the environment does not even come close to the Liberal Party policy commitments. It is not in their DNA. We can see that by looking at the Liberal Party around the country. I think it was some article I saw, and I will come back to that in a moment, Mr President, as an indication of what the Liberals' commitment to the environment is.

Let us have a look at what the Liberal government has done at a federal level. They have erased the science portfolio out of existence; they have slashed funding to science and research, including the CSIRO, as we have just heard from my leader in her passionate defence of science and technology in this country. They have scrapped the climate commission. They have scrapped the national water commission. They have stopped buybacks under the Murray-Darling Basin scheme in terms of water and, instead of over four years, as was promised by the former government, they have now pushed it back to six years, and the concern is they will never reach the target which they are required to do by 2019.

They have attempted to repeal the price on carbon. They have attempted to abolish the Clean Energy Finance Corporation. They have commenced an inquiry into the Renewable Energy Target scheme (headed up, I should say, by a self-confessed climate sceptic). They have attempted to delist Tasmania's world heritage forests and were rebuffed at the international level for that attempt to strip away protections for national forests. This is what the Liberals do, Mr President; this is their DNA. Their commitment to the environment is: let's destroy marine parks.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. I.K. HUNTER:** 'Let's destroy marine parks.' That is all the Hon. Michelle Lensink has to offer to the community of South Australia. That is it; that is the sum total of what they have.

**The PRESIDENT:** Sit down. The Hon. Ms Lensink—

**The Hon. J.M.A. Lensink:** Supplementary.

**The PRESIDENT:** No, he hasn't finished yet; I have put him down. Please allow him to finish the question and then ask your sup, okay?

**The Hon. I.K. HUNTER:** Where was the Hon. Michelle Lensink when her federal colleagues stripped \$486 million out of Caring for Our Country programs? Where was she? Was she out in the streets, doing interviews with the media?

**The Hon. J.M.A. Lensink:** Were you?

**The Hon. I.K. HUNTER:** I have done many, many attempts to try and bring this federal government to heel over their cuts, and I will be doing so again, because, the Hon. Michelle Lensink, we will hang these cuts around your neck—around your neck! You will not get off the hook.

**The Hon. J.M.A. Lensink:** I look forward to it!

**The Hon. I.K. HUNTER:** You will not get off the hook for these cuts. You are there cheering on your federal Liberal colleagues at every opportunity. The Hon. Rob Lucas, in a radio interview yesterday, accepted around \$900 million of cuts to the forward estimates in South Australia from the federal government and is out there cheering them on. He is out there cheering them on, Mr President, to cut away the funding to South Australia, and all the Hon. Michelle Lensink can do is come in here with a plan to rip apart the environmental protections for marine parks. She is a disgrace!

**The Hon. J.M.A. Lensink:** Answer the question about your department, minister—your department after 12 years!

**The PRESIDENT:** The Hon. Ms Lensink—

**The Hon. J.M.A. Lensink:** Supplementary question.

**The Hon. I.K. HUNTER:** I haven't finished.

**The PRESIDENT:** No, he hasn't finished. I put him down. The Hon. Ms Lensink, it is absolutely vital that we do not have this—I don't mind a bit of banter, but I think you have gone a bit beyond that at this particular stage. We would like to hear what the Hon. Mr Hunter has to say. You can then ask another supplementary if required.

**The Hon. J.M.A. LENSINK:** Point of order: could you actually ask that these gutless ministers try to answer questions and take some responsibility instead of continuously listing cuts to federal departments when they knew damn well that this all took place under their watch after 12 years.

**The PRESIDENT:** It is really up to the ministers to answer the question in the best way they choose to answer the question.

**The Hon. J.M.A. Lensink:** You have a role, too.

**The PRESIDENT:** Yes.

*Members interjecting:*

**The PRESIDENT:** No, he hasn't finished yet. The Hon. Mr Hunter.

*The Hon. J.M.A. Lensink interjecting:*

**The PRESIDENT:** The Hon. Ms Lensink, would you please refrain.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. I.K. HUNTER:** Mr President, they don't like it when they get labelled with the truth.

**The PRESIDENT:** I also don't think it is parliamentary to be yelling 'gutless wonder' across the chamber. Thanks for your cooperation. The Hon. Mr Hunter.

**The Hon. I.K. HUNTER:** Thank you, Mr President. In fact, I wouldn't mind being a gutless wonder. I have a bit of a gut, as you know, and I should try and work it off, I suppose. I digress, and that is inappropriate, of course, but I am trying to cut down a little, just like the federal Liberal government is cutting down at a massive level to this state and other states.

Let's look at what the Liberals are doing as a brand around the country, and not just the federal Liberal government. In Western Australia, for example, they have allowed an unscientific and indiscriminate culling of sharks. They said, 'Let's go out and kill the white pointers.' How many have they killed? None. But they have killed hundreds of tiger sharks. This is the Liberal Party's policy on the environment: let's slaughter the apex predators in the sea. That is the Liberal Party's position on the environment in Western Australia.

What is the Liberal Party's position on the environment in Victoria? Let's let the grazers back into our alpine national parks. Let's let those grazers back in and they can mow down all the vulnerable protected species in our alpine national parks. That is what the Liberals offer us in terms of the environment from Victoria.

In Queensland, what are they doing? They are allowing the dumping of dredge spoil on the Great Barrier Reef, and the federal Liberal government is moving heaven and earth to help them to do that. I notice in an ABC news report from May this year about how the Queensland Liberal Party actually makes environmental policy. It is headed 'QCoal's James Mackay developing environmental policy for Newman Government in Queensland'.

**The Hon. J.M.A. LENSINK:** Point of order: standing order 186 states that the President may call attention to the conduct of a member who persists in continued irrelevance, prolixity or tedious repetition and may direct such member to discontinue speaking and be seated.

**The PRESIDENT:** It is a very subjective matter when a minister is answering a question. If the minister thinks he is answering the question accordingly, he will answer it the way he wants. The honourable minister.

**The Hon. I.K. HUNTER:** I don't know that it has been repetitive. It might be prolix, but that's something they need to suck up, because it is acutely relevant when a Queensland Coal employee develops environmental policy for a Liberal government in this country. When the Liberal Party in this country outsources environment policy making to:

The head of corporate affairs for a mining company at the centre of an environmental dispute has been in charge of developing policy for the environment for Queensland's ruling Liberal National Party...since 2012.

That is quintessentially what the Liberals are about. This is in their DNA.

*Members interjecting:*

**The PRESIDENT:** Order! The minister is on his feet. Let the minister answer the question in silence.

**The Hon. I.K. HUNTER:** This is illustrative of the Liberal thinking in terms of environment. We have Mr James Mackay reported by ABC news, who worked full time for the Liberal National Party during the 2012 election while he was being paid \$10,000 a month by the company Queensland Coal. So, the Liberal Party brand in this country think the environment can be bettered by having a Queensland Coal mining employee writing their environmental policy. They are a joke. They are hypocrites.

*Members interjecting:*

**The PRESIDENT:** I have asked members on a number of occasions to allow the minister to answer—regardless, if you don't like—

*Members interjecting:*

**The PRESIDENT:** Will you allow me to speak? Under section 208 I will start warning people in a minute, if you continue, because I am not going to allow this chamber to be degraded into a rabble.

*Members interjecting:*

**The PRESIDENT:** It will happen very shortly; my patience will end very quickly. If the minister stands up I want you to listen.

**The Hon. J.M.A. Lensink:** Go right ahead. This is an abuse of our time.

**The PRESIDENT:** I must say that I am absolutely appalled, Hon. Ms Lensink. This is unusual behaviour for you; I do not know what is going on, but it is unusual behaviour. What I want you to do is listen to the minister. If you have a supplementary, you ask at the start. Honourable minister, proceed.

**The Hon. I.K. HUNTER:** Thank you, Mr President. As I said, the Hon. Mr Lucas, in radio interviews yesterday, was all over the place confirming that commonwealth cuts would amount to almost \$900 million over the forward estimates. Over the next 10 years health and education cuts in this state will be equal to about \$5.5 billion and, as a Labor government, we will seek to protect the most vulnerable in our communities. We are making tough budget decisions—

**The Hon. J.S.L. DAWKINS:** Point of order. Given that the minister has been on his feet answering this question for 11 minutes, when will you, sir, ask him to answer the actual question?

**The PRESIDENT:** I will say this, honourable minister: please try to do your answer as quickly as possible because we have many members who want to ask questions.

**The Hon. I.K. HUNTER:** Thank you, Mr President. As always I will be directed by you in most things. As a Labor government, we seek to protect the most vulnerable people in our community. We are making the tough budget decisions. We will prioritise the preservation of our world-class healthcare and education systems. That is why we have sought to protect pensioners from Prime Minister Abbott's cruel cuts to pension concessions, after he slashed \$30 million a year from concessions. These cuts have seen as much as \$200 per year ripped out of the pockets of South Australian pensioners, and this Liberal opposition on the other side has been cheering on the Prime Minister.

#### **ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT**

**The Hon. M.C. PARNELL (14:52):** Supplementary question, Mr President, arising from early on in the minister's answer. When the minister said that he could not recall a certain news headline, was he thinking of the ABC news headline from last Friday entitled 'Environment neglect has cost the SA emu wren, ecologist Professor David Paton says'?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52):** I have just been corrected that, in fact, the Liberal Party promised \$50,000 in its policy at the last state election for the Environmental Defender's Office, which the federal Liberal government had defunded. So I just want to correct the record. I think I said something like \$20,000 or \$25,000; I believe it was actually \$50,000. That was Liberal Party policy and that has now gone. In relation to the emu wren, we do not know—

**The Hon. D.W. Ridgway:** It's gone too.

**The Hon. I.K. HUNTER:** We do not know that, Hon. Mr Ridgway; it is a supposition on your part and others.

*The Hon. T.J. Stephens interjecting:*

**The Hon. I.K. HUNTER:** The Hon. Mr Stephens says that we should go out looking for it. In fact, that is what the agency is doing and the Hon. Terry Stephens can join in if he likes, if he enjoys a bit of bird watching. However, we do not know that as a fact, and I have asked my agency to report to me when it has done the monitoring, and also report to me how it can re-establish populations, because I understand that there are populations over the border in Victoria. Small and endangered as they are, it may be that we need to investigate some captive breeding programs to reintroduce that species once the native habitat has bounced back from the wildfires in the Billiatt and Ngarkat parks.

#### ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT

**The Hon. J.M.A. LENSINK (14:53):** Supplementary question. Is the CE of the minister's department correct when he said that South Australians do not put the environment first?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54):** I do not know what the Hon. Michelle Lensink is referring to in that quote—

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. I.K. HUNTER:** That is exactly right, Mr President, but all I can speak to is the priorities of the government. As I said, despite what the Liberal Party does at a federal level, to hit the most vulnerable, the young, the old, those on pensions, this state government will always prioritise looking after the vulnerable in our community. They are our highest priorities.

#### CITY OF ADELAIDE CLIPPER

**The Hon. S.G. WADE (14:54):** I ask the Minister for Sustainability, Environment and Conservation whether the minister agrees with the chief executive of his department that the transfer and restoration of the *City of Adelaide* clipper is an indulgence and an inappropriate diversion from more worthy private sector heritage projects.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54):** I would like to thank the honourable member for his most important question. I can advise the house that, recently, I received correspondence from the Port Adelaide Enfield council advising that they are interested in developing a maritime heritage master plan for Port Adelaide. I commend the Port Adelaide Enfield council for their desire to improve access to and interpretation of the maritime history of Port Adelaide. I understand that public interest in this area has increased somewhat following the recent arrival of the *City of Adelaide* in South Australia.

I am advised that the Department of Environment, Water and Natural Resources is able to provide some information regarding state heritage places and the Port Adelaide state heritage area to the council. As members of this place would be aware, the state government agency of Renewal SA is leading the Port Adelaide renewal project. I am advised that Renewal SA is considering how a maritime heritage master plan initiative can be aligned with the broader renewal project.

#### NATIONAL PLAN TO REDUCE VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

**The Hon. G.A. KANDELAARS (14:55):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the launch of the Second Action Plan 2013-2016 of the National Plan to Reduce Violence Against Women and their Children 2010-2022.

Leave granted.

**The Hon. G.A. KANDELAARS:** Violence against women and their children is a crime that affects the whole community and everybody is likely to know somebody whose life has been changed by violence. In Australia, one in three women have experienced physical violence and almost one in

five have experienced sexual violence since the age of 15. This violence against women, sadly, also comes not only at a physical and emotional cost, but at an estimated national economic cost of \$15.5 billion annually. Can the minister update the chamber on the launch of the Second Action Plan 2013-2016 of the National Plan to Reduce Violence Against Women and their Children 2010-2022, which was held on Friday the 27<sup>th</sup>?

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:57):** I thank the honourable member for his most important question. Last Friday, I was very pleased to be able to attend the launch of the Second Action Plan 2013-2016 called, 'Moving Forward of the National Plan to Reduce Violence Against Women and their Children,' which was held in Manly, Sydney.

The National Plan to Reduce Violence Against Women and their Children 2010-2022 was released on 15 February 2011, following endorsement from the Council of Australian Governments (COAG). The national plan brings together government efforts across the nation to make a real and sustained reduction in the levels of violence against women.

The second action plan takes stock of what has worked well in the first three years of the national plan and consolidates the evidence base for the effectiveness of those strategies and actions, with an emphasis on developing practical initiatives that support community safety and awareness, supporting and assisting victims of violence and deterring violence.

The action plan spans from 2013 to 2016 and describes 26 practical actions that all governments have agreed are important to reduce violence against women and their children. Through these actions, we are doing more to drive whole of community action to prevent violence through strategies such as respectful relationships education and improved media engagement; secondly, to ensure that the experiences of, particularly, Aboriginal women, women from culturally and linguistically diverse backgrounds, women with a disability, a diverse range of women, are incorporated in our responses through awareness raising, training and prevention activities; and also, to support innovative services and integrated systems through improved information sharing such as we have in South Australia through the Family Safety Framework and reviewing domestic violence related deaths.

Another initiative is about improving perpetrator interventions by building the evidence base and the implementation of national outcome standards. Finally, we continue to build the evidence base by expanding the quality and quantity of national research on violence against women and their children and conducting every four years the ABS Personal Safety Survey and the National Community Attitudes Survey.

I am pleased to belong to a government that is very committed to actions and initiatives which target domestic violence. Already South Australia is well along the path set out in the second action plan through initiatives started under the first action plan, and the South Australian government's right to a safety agenda includes things like: the statewide rollout of the Family Safety Framework, which seeks to ensure that services to families at high risk of violence are dealt with in a more structured and systematic way, through government and non-government agencies sharing information and supporting families to access services; the establishment of a community focus; violence against women collaborations, which provides an opportunity for the development of local regional responses to women experiencing rape and sexual assault, domestic and family violence and also homelessness due to violence; partnering with other jurisdictions in the cross-border justice scheme to support women and children experiencing domestic and family violence, rape and sexual assault and who are living on the APY lands; and, also maintaining a senior research officer, domestic violence position, in partnership with the South Australian Coroner's Office to research and investigate open and closed deaths relating to domestic violence.

I am very proud to be part of a government that is working hard to ensure that South Australian women and their children live free from violence in safe communities, and this is a time when the federal government is, as we know, slashing and burning funding for services that affect those most in need. We see cuts to services, such as National Aboriginal Violence Prevention, legal services, legal aid commissions, and the community legal centres. Community legal centres are already reporting that they have to turn away 20 per cent of their applicants, many of whom who have already been unsuccessful in obtaining legal aid, and these further cuts will cause issues in

relation to domestic violence cases where victims could be forced to confront their aggressor in court without a lawyer to assist.

As we keep doing on this side, we urge the federal government to put their money where their mouth is and to reinstate funding for services for homelessness, disability and Aboriginal culturally and linguistically diverse women, areas that the second action plan focuses on as a priority. I certainly look forward to continuing to work with my counterparts in other jurisdictions and the federal minister assisting, and to progress the rollout of the second action plan. I think I am the only minister from the original first action plan under which work was initiated under the former Labor government, through the Hon. Tanya Plibersek. I am the only one left standing from the original group. It has been a great pleasure to have been able to participate in the first phase and now the second phase with the current Liberal government. This is important work and I very much enjoy the commitment given to this and the way it continues to be rolled out.

*Members interjecting:*

**The PRESIDENT:** Order!

### **DRIVERS, DISABILITY**

**The Hon. K.L. VINCENT (15:03):** I seek leave to make a brief explanation before asking the minister representing the Minister for Transport and Infrastructure a question regarding driver's licences for people with static disability and compulsory annual medical reviews.

Leave granted.

**The Hon. K.L. VINCENT:** It has come to my attention via a local disability advocacy service that about 120 South Australian drivers with cerebral palsy are being made to undergo annual medical reviews by the Department of Transport in order to keep their private motor vehicle licences. It is possible that these medical reviews are unnecessary and may not even be required by law. Cerebral palsy is a static condition, which means that the impairment caused by the condition tends to remain the same throughout a person's life. Cerebral palsy is a disability that either significantly impairs the ability of a person to drive a motor vehicle such that it cannot be done safely at all or it has little or no effect on the ability to drive. There is rarely any fluctuation in the impairment caused by cerebral palsy and, if there is impairment, it is probably caused by comorbidity.

It has also come to my attention that it is not only drivers with cerebral palsy who are being made to undergo unnecessary annual medical reviews by the department. More and more often we are seeing drivers with different types of static disability whose conditions of their private motor vehicle licence include them having to undertake annual medical reviews. My questions to the minister are:

1. Is the minister aware that 120 South Australian car licence holders with cerebral palsy are being made to undergo annual medical reviews?
2. How many other licence holders with other types of static disability are being made to undertake annual medical reviews, and what kinds of disabilities do they tend to have?
3. Why is the minister's department practising a policy that may be unlawfully discriminatory?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:05):** I thank the honourable member for her very important question to the Minister for Transport and Infrastructure on the subject of driver's licences of people with disability, including cerebral palsy. I will take that question to him and seek a response on her behalf.

*Ministerial Statement*

### **FORESTRYSA**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:05):** Whilst I am on my feet, Mr President, I table a ministerial statement made by the Minister for Forests in the other place on the topic of voluntary separation package outcomes for ForestrySA.

*Question Time***SA WATER**

**The Hon. R.I. LUCAS (15:06):** I seek leave to make an explanation prior to directing a question to the Minister for Water on the subject of privatisation.

Leave granted.

**The Hon. R.I. LUCAS:** Members will be aware that, for some time, the minister has claimed in this house and elsewhere that he as minister and that his government opposed privatisation. I will put aside the issues of forests and the Lotteries Commission for the moment. Amongst many statements, the minister in this place, for example, accused the state Liberals when he said:

They—

that is, the state Liberals—

...would also be happy to carve up SA Water. This is their plan: 'No privatisation of SA Water but we will not tell you what we are going to do with the assets.' This is privatisation by stealth, and this state government will not let it happen.

On a number of other occasions, Mr President, as I am sure you are aware, the minister has made it clear that he and the Labor government were opposed to privatisation.

The Under Treasurer, when questioned on this particular issue recently and asked about whether or not the state Labor government had actually commissioned high-price consultants to do a scoping study on the sale of some SA Water assets said that he was, and I quote, 'unable to talk about matters which had been part of cabinet consideration'. I repeat that: he was unable to talk about matters which had been part of cabinet consideration.

Mr President, can I inform you and other members that the Under Treasurer did concede, when asked questions about whether or not consultants had been appointed to look at HomeStart, firstly, that there had been a scoping study, and then was prepared to indicate that cabinet had considered the scoping study and rejected the privatisation or sale of any HomeStart assets; that is, the Under Treasurer did not say that he was, and I quote, 'unable to talk about a matter which had been part of cabinet consideration'. My questions to the minister are:

1. Will the minister now confirm that, prior to the last state election, the South Australian Labor government—or, as he likes to call it, the Jay Weatherill government—had appointed consultants to do scoping studies on the possible sale of some SA Water assets?

2. When were you, minister, first advised that the South Australian government had appointed consultants to do a scoping study on the possible sale of some SA Water assets?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:08):** Let me say at the outset that the Hon. Mr Lucas has a habit and a history of verballing people in this place. He comes in here making accusations and allegations which turn out to be, of course, quite erroneous. He has the predilection for, shall we say—we won't go there.

Let me just say this: we all know his form about fitting people up with quotes that he ascribes to people. I have no idea what the Under Treasurer may have said in an interview, but I certainly will not accept the Hon. Mr Lucas's word for what that might be. The Hon. Mr Lucas will remember, from a long, long time ago when he was in government, that Treasury do a lot of work and serve it up to cabinet, and it's up to cabinet to determine what it's going to do with those recommendations.

And the truth is this: it was the Liberal opposition that had plans to privatise SA Water. It was not the Labor government's plan to privatise SA Water and we said that at the election. Whatever is put up to cabinet, it is up to what cabinet decides is important and what cabinet decides is that we will not be privatising the assets of essential services—

*The Hon. R.I. Lucas interjecting:*

**The PRESIDENT:** The Hon. Mr Lucas, could you let him finish the question, then you can ask a supplementary question. The Hon. Mr Hunter.

**The Hon. I.K. HUNTER:** The Hon. Mr Lucas knows full well that the government has made a clear distinction between essential community services and other services provided by

government, such as the Lotteries Commission, for example, which he raises. The crucial aspect is that this is an essential service for our community and the Labor government said at the election we will not be privatising SA Water. They would not be drawn on it.

#### SA WATER

**The Hon. R.I. LUCAS (15:10):** Supplementary question arising out of the minister's answer: how much taxpayers' money did you and the South Australian Labor government prior to the last election pay to the consultants to do scoping studies on the possible sale of SA Water assets whilst at the same time you were pretending you were anti-privatisation?

**The Hon. K.J. MAHER:** Point of order, Mr President.

**The PRESIDENT:** Point of order.

**The Hon. K.J. MAHER:** The answer in no way referred to a scoping study on the sale of SA Water assets and the supplementary question in no way arises from the answer.

**The PRESIDENT:** Minister, before you get up and answer that question: the Hon. Mr Lucas, you have asked the question once. I do not want you repeating it 20 times across the chamber. The Hon. Mr Hunter.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11):** As I said, I will not be accepting at face value accusations and allegations the Hon. Mr Lucas makes in this place. He has a history and a track record of making these things up and I will not accept that at face value.

#### SA WATER

**The Hon. R.I. LUCAS (15:11):** Supplementary question arising out of the minister's non-answer: I would invite the minister to try to explain to the people of South Australia why they should not conclude after his answers that he is an unadulterated fully-blown hypocrite.

**The PRESIDENT:** The honourable minister, you do not need to answer that question.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12):** No, Mr President, but it is those opposite who are the hypocrites. They have been in here in this place today on the one hand saying to the government, 'Why are you making these budget savings? Why are you doing this?' and on the other hand, the Hon. Mr Lucas was on radio saying, 'Yes, we accept the federal government's cut \$900 million out of the state's budget but we don't want the state government to do anything about that, not to cut its cloth.' This is the only corollary of what they are saying: 'We want the state government to continue to spend even knowing the impacts of the federal Liberal government's budget cuts in this state.' No responsible government could ever do that.

#### WILLUNGA WATER TRAIL

**The Hon. J.M. GAZZOLA (15:12):** My question is to the Minister for Water and the River Murray. Minister, will you update the chamber on the new water trail recently opened in McLaren Vale and how it will help people understand the complex groundwater system?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12):** At last, we get to a decent question from the member and I thank him, after that interlude. It is an important question, and members opposite would do well to listen to the answer. It was a great pleasure—

**The PRESIDENT:** Is the answer relevant, minister?

**The Hon. I.K. HUNTER:** That is a very subjective question, Mr President, as you pointed out somewhat earlier today.

**The PRESIDENT:** You want to make sure it is relevant.

**The Hon. I.K. HUNTER:** I will do my best to endeavour to convince you of its relevance, Mr President, and you are the only important person in this place on questions of that substance. It was a great pleasure to officially open the new groundwater signage trail at McLaren Vale on Friday. This water trail will be an important educational tool together with the significant research being carried out in the area. It is also a further example of this government's commitment towards securing our water supply and increasing South Australians' awareness of our important water sources in this state.

This government has had a strong and decisive focus on water security over our time in office and because of factors such as the drought and overallocation of Murray River water by upstream states, we have had to make significant investments in order to guarantee South Australia's water supply into the future. These investments include infrastructure that has seen South Australia become a leader in stormwater harvesting and re-use, the 100-gigalitre Adelaide desalination plant and of course the Murray-Darling Basin Plan.

But groundwater is another vital source of water for South Australia. It is used across many industries such as agriculture for things such as irrigation and drinking water for livestock, in mining and manufacturing, as well as to supply households with water and input into potable water supply networks. South Australia has limited surface water resources outside the River Murray and the Mount Lofty Ranges, and this means that groundwater is the key water source for most of regional South Australia, including regional centres such as Mount Gambier and Port Lincoln; it is also the only source of water for the Aboriginal communities in the APY lands.

Increased use of groundwater means that this resource must be managed effectively and carefully, but it must be managed based on sound science and research, taking into account how it fits with all our other water sources. This will help us develop sustainable limits for water extraction or gaining a better understanding of the impact on and the requirements of dependent ecosystems.

South Australia has been at the forefront of groundwater science in this country, and Flinders University of South Australia, the greatest university in the country if not the world, has been instrumental in educating and training our groundwater scientists. It is the only university in Australia that offers an undergraduate groundwater science degree course. In 2009, Flinders University successfully bid to establish the National Centre for Groundwater Research and Training right here in our state. The centre has gained an outstanding national and international reputation for groundwater research and training.

The state government, through the Department of Environment, Water and Natural Resources, SA Water and the former United Water, supported the establishment of the centre's headquarters at Flinders University. This financial assistance of just over \$1 million, I think, over five years from 2009-10 has ensured the continued presence of this important research in our state.

In 2010, the centre successfully bid for \$15 million of infrastructure funding from the commonwealth government to establish several groundwater super science sites across Australia. These sites will create new opportunities for research on groundwater, based on long-term detailed data. The Willunga Basin will be one of these sites. This is a particularly interesting place for groundwater research because of the innovative methods used to safeguard groundwater storage.

Groundwater in the Willunga Basin is critical for many of our key industries in the McLaren Vale area, including wine, fruits and nuts. It is clear, however, that local groundwater cannot meet the total irrigation demand of the region. Researchers have therefore pioneered a method of recharge of aquifers with treated stormwater and recycled water, which is being used for irrigation purposes. This makes the Willunga Basin an ideal location for a super science site as a field laboratory.

In addition to this important high-level research, the centre also believes in the importance of educating the general public about groundwater. However, groundwater can be a difficult concept for many people to understand. Not only is it underground—

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. I.K. HUNTER:** I should probably start again.

*The Hon. R.L. Brokenshire interjecting:*

**The PRESIDENT:** The Hon. Brokenshire, I know that you're enthusiastic. You are the next questioner I think, so please wait.

**The Hon. I.K. HUNTER:** That's if he gets a question today. I think I have another 10 minutes worth of conversation on this one, sir.

**An honourable member:** That's what you call mocking the house.

**The PRESIDENT:** Let's try to be quick so that we can get a question, minister.

**The Hon. I.K. HUNTER:** Just mocking you. Groundwater can be a difficult concept for many people to understand, including the Hon. Mr Brokenshire, obviously. Not only is it underground, making it difficult to see, but there is also little infrastructure above ground for people to see and touch. The National Centre for Groundwater Research and Training has therefore developed a water trail to help people understand how the entire system works and how important it is.

The trail is made up of a series of signs corresponding to one of the six main features of the groundwater system in the Willunga Basin. It is very important that all South Australians appreciate just how precious groundwater is and why it needs to be protected. When more people understand this, our collective responsibility towards water will grow. One of the great things about this water trail is that the centre has partnered with local businesses and the City of Onkaparinga, which have allowed the signs to be located on their properties.

I thank all those who have agreed to be involved because this will ensure that the signs will be noticed by a wider range of visitors and tourists to the area, and I thank the students of Christies Beach High School, who are part of the initial stages of designing the signs. I know, and I think that we should all understand, that managing our water supplies into the future with a variable climate will require adaptive and innovative solutions. This requires ongoing research and opportunities for the public to be well informed about our water system. I commend the National Centre for Groundwater Research and Training, Flinders University, the greatest university in the world, and the Goyder Institute for their important work in this area.

#### **WASTE LEVIES**

**The Hon. R.L. BROKENSHIRE (15:19):** I seek leave to make a brief explanation prior to asking the Minister for Environment some questions about cuts and increases to environment levies.

Leave granted.

**The Hon. R.L. BROKENSHIRE:** In the last budget we saw a situation where \$1 million was being cut out of the natural resources management budget. That is a levy dedicated to the NRM and a levy that many people are unhappy about paying. The first of my two questions is:

1. Can the minister confirm that the \$1 million—

*Members interjecting:*

**The PRESIDENT:** Let the honourable member ask the question.

**The Hon. R.L. BROKENSHIRE:** —that is being cut from the NRM levy will be taken back to the taxpayers of South Australia in a reduction to the levy or, otherwise, can the minister explain to the house what he is doing with the quarantine levy?

2. Can the minister explain to the house why the solid waste levy, which has been gouged the most under Labor, and was once less than \$5 per tonne when Labor won office, has increased by 863 per cent to \$52 per tonne next financial year, when, if it was increased at CPI, it would have been just \$7 per tonne, yet the minister has basically closed the office and little is being done to assist local government with zero waste initiatives? Therefore, why is the government increasing next year the solid waste levy by another 3 per cent?

**The Hon. D.W. Ridgway:** Good question.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21):** Actually it is a useless question but we do not expect anything more, do we?

**The Hon. D.W. Ridgway:** An arrogant minister; a useless question he says.

**The Hon. I.K. HUNTER:** Totally. I thank the honourable member for his first question back in this place. I would encourage him, however—

*An honourable member interjecting:*

**The Hon. I.K. HUNTER:** He is a bit rusty because again the preface to the question and his explanation were completely wrong and I would encourage him to go back and do some research on where that \$1 million was coming from. It is not coming from any NRM levies at all. Those levies are raised locally. There are no changes to that situation and he really misunderstands the difference between appropriations for state agencies versus what the NRM boards raise themselves through levies, but he can go back and do that research himself and work out where he has gone wrong.

In terms of the solid waste levies being collected, again the honourable member thinks we are an island state with no connection across borders with the other states. How does he explain the fact that every other state does this? Every other state does this except for Queensland, and Queensland now has the problem of people from New South Wales driving across the border to dump their waste because they do not have a levy reflective of what is happening across the border.

If the honourable member is serious about this, what is going to happen when waste is carted across the border from Victoria and dumped in South Australia because, as he wants, there is no levy here? It is just a disaster. This is a price signal to industry. It is driving industrial development in the resource sector. It is turning what was previously waste into a resource. It is employing people in a very important sector of a growing and burgeoning industry and the honourable member just doesn't get it. He just doesn't get it.

#### WASTE LEVIES

**The Hon. R.L. BROKENSHERE (15:23):** Supplementary, Mr President. Given the minister's answer, can he explain why he has tens of millions of dollars from the levy sitting in an account, not delivering one improvement whatsoever to exactly his concern?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:23):** The honourable member clearly doesn't want to do this work for himself so let me educate him. The EPA collects two levies, both relating to the disposal of waste: the solid waste levy and the liquid waste levy. A levy is payable by the licence holder of a waste depot for all solid and liquid waste received that is to be disposed of at that depot. The levies provide a financial incentive for industry to seek alternatives to disposal for waste products. That is the first key point that the honourable member does not understand.

In an ideal world the community and industry would seek to re-use all materials that are in the waste stream but, in the meantime, the government will use a waste levy so that the cost of disposing products to landfill provides a trigger for industry to develop other options. This incentive will be the driver for the development of recycling and re-use industries to provide long-term alternatives to simply disposing of products.

The question is: what is the figure that provides that trigger? We still have examples where it is financially and logistically easier for businesses to dispose of products to landfill, which indicates that there is still a requirement to manage the levy value to provide the best balance between disposal and recycling and re-use. This recognises that, for some waste streams, disposal to landfill is the safest and best option—of course it does.

There is a strong argument that the waste levy should be consistent from one state to the next, particularly if they have centres of population relatively close to each other. If South Australia had lower waste levy fees, it could provide an incentive for those within the waste industry to bring their waste from interstate to deposit it here. This is a concern for Queensland, as I mentioned, which has recently removed its waste levy. We have had anecdotal evidence from members of the industry who I met with in recent times who have told us how the Queensland government have removed the waste levy and it is creating all sorts of problems for the industry across the border between New South Wales and Queensland.

The payment of levies is calculated as follows: for the solid waste levy, the tonnage of waste received is measured using specific calculation methods and reporting requirements depending on

the size and location of the landfill; for the liquid waste levy, it is the volume in kilolitres that is measured and reported on. As at 30 June 2013, the levies were \$47 per tonne for metropolitan Adelaide and \$23.50 per tonne for non-metropolitan Adelaide for the solid waste levy, and \$17.95 per kilolitre for the liquid waste levy.

In line with the announcement by government in 2013-14, the 2014-15 budget includes an increase in metropolitan Adelaide's solid waste levy to \$52 a tonne, up from \$47 a tonne; and \$26 per tonne in non-metropolitan Adelaide, up from \$23.50. The liquid waste depot levy increases to \$23.45 per kilolitre for 2014-15 in both metropolitan Adelaide and regional areas. It is also used to support the Environment Protection Authority in administering the Environment Protection Act 1993, including licensing, waste tracking and compliance.

As has been stated previously by this government, part of the funds collected are placed in general revenue which contributes to funding for hospitals, schools, police and a myriad other services for the benefit of the South Australian community.

The solid waste levy is spent on waste-related activities. The levy, as an economic incentive, is one of a suite of tools the government is using to support South Australia's Strategic Plan target of a 35 per cent reduction of waste to landfill by 2020. The levy is collected by the EPA, with 50 per cent of the levy transferred to the Waste to Resources Fund; 5 per cent of the total levy revenue is provided to the Environment Protection Fund.

The waste revenue levy funds a range of EPA priority projects and programs, including the development and implementation of waste policy such as the Environment Protection (Waste to Resources) Policy 2010. Other projects include the management of site contamination legislation and the Illegal Dumping Unit, which is very active in investigating illegal waste operations.

With that more detailed explanation, I hope the honourable member will finally understand how important these levies are to drive industry into the future.

**The PRESIDENT:** I can understand why the members on the crossbench would be pretty disappointed with today's question time. Only two questions were given to the crossbench and only eight questions were asked altogether. I think it is way below the standard we would expect from this council.

#### *Ministerial Statement*

### **COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT**

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:27):** I take this opportunity to table a ministerial statement by minister Susan Close from the other place on the appointment of a new Commissioner for Public Sector Employment.

#### *Bills*

### **STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 5 June 2014.)

**The Hon. S.G. WADE (15:28):** As the shadow minister representing the shadow attorney-general in this council, I rise to indicate the support of the Liberal Party for the Statutes Amendment (Legal Practitioners) Bill. The bill seeks to amend the Legal Practitioners Act 1981 to provide clarification, to address some inconsistencies, and to deal with some omissions in the Legal Practitioners (Miscellaneous) Amendment Bill 2013. These issues were identified during the drafting of regulations to support the operation of the act.

The bill also amends the Fair Trading Act 1987. The amendment will clarify that if requested, an itemised bill will be required to be provided by a legal practitioner within 21 days, rather than seven days. The opposition agrees that seven days will often be too short a time period for a legal practitioner to be required to comply with a request, given the complexity of many legal matters. We also note that the 21-day time period is consistent with what is required in New South Wales, Victoria

and Western Australia. As I said, the opposition supports the Statutes Amendment (Legal Practitioners) Bill 2014.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:30):** I thank those members who have contributed to the debate on this bill, and especially those who have indicated support for the bill—not necessarily the same group of people. This bill amends the Legal Practitioners Act 1981 and the Fair Trading Act 1987 to address a number of inconsistencies and oversights in the Legal Practitioners (Miscellaneous) Amendment Act 2013. The amendments are minor in nature and, I understand, not controversial.

Last year, the parliament passed the Legal Practitioners (Miscellaneous) Amendment Act 2013 which, amongst other things, created a new complaints regime for consumers of legal services. Central to the complaints regime was the statutory office of the Legal Profession Conduct Commissioner. That act comes into effect, I am advised, today and is a key component of this government's legal profession reforms.

Principally, the bill clarifies that the cost of the Legal Profession Conduct Commissioner should be met from money in the fidelity fund, which was always the government's intention, I am told. This is consistent with the previous arrangements, which saw the expenses of the Legal Practitioners Conduct Board being met from the Guarantee Fund. The passage of this bill will ensure that the minor technical issues in the Legal Practitioners (Miscellaneous) Amendment Act 2013 are addressed swiftly and will clarify the policy intent of the government.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 7 passed.

Clause 8.

**The CHAIR:** I point out to the committee that this clause, being a money clause, is in erased type. Standing order 298 provides that no question shall be put in committee upon such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Remaining clause (9), schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:33):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CHILD SEX OFFENDERS REGISTRATION (CONTROL ORDERS AND OTHER MEASURES)  
AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 19 June 2014.)

**The Hon. S.G. WADE (15:34):** I rise on behalf the Liberal opposition to support the Child Sex Offenders Registration (Control Orders and Other Measures) Amendment Bill 2014. The Child Sex Offenders Registration Act 2006 requires child sex offenders to register with the Commissioner of Police. The act was designed as a monitoring tool, and under the act registrable offenders are required to make reports to the police.

While under the act a registrable offender is precluded from engaging in child-related work, there are few other limitations placed upon them. The bill before us seeks to insert a new part into the act such that SAPOL will be able to apply to the Magistrates Court for a new type of order, called a control order, to be made against any registrable offender. Under the bill a control order could prohibit or restrict any conduct including associating with, or communicating with, a specified person or persons of a specified class. That may include, for example, children of a certain age. The order could restrict or prohibit a person from being present at, or in the vicinity of, a specified place or premises or a place or premises of a specified class (for example, that could be a school).

Further, an order could prohibit or restrict a person undertaking specified employment or employment of a specified kind or other conduct of a specified kind. Considering we have noted that child-related work is already precluded from a registrable offender under the act, my understanding is that the employment that is being considered here is employment that might relate, for example, to accessing or using the internet or a computer.

These orders are in addition to the paedophile restraining orders available under the Summary Procedure Act 1921. Those orders can be placed against people who may not have been convicted. One of the key differences with the orders that are anticipated in this bill is that the proposed control orders can be placed only on convicted and registrable offenders. The Magistrates Court can make a control order against any adult registrable offender if the court is satisfied, on the balance of probabilities, that the registrable offender poses a risk to the safety and wellbeing of one or more children, or children generally, and that the making of the order will reduce that risk.

I welcome the fact that these orders are subject to the supervision of the Magistrates Court and that the flexibility of the orders is such that the court can respond to the particular risks a person represents, and that the order will be targeted to that risk. The highest priority is to make sure that we keep our children safe as we can, and one way we can do that is putting targeted restrictions on people who may represent a risk to children.

In making the control order the bill requires that the court take into account the circumstances and seriousness of each offence in relation to which the person is a registrable offender, the circumstances of the offender, and the impact of the order relative to the risk. The Magistrates Court will be able to make interim control orders, to vary or revoke a control order, or to make an order without being satisfied of the matters otherwise required if the police and the registrable offender consent to the making of the order and it is in the interests of justice to make the order. An order can be made for a maximum of five years, and a breach of an order is a criminal offence.

The bill also makes a number of minor amendments to the act and provides clarity concerning a number of other provisions. One change, to section 66L, directly reflects an opposition amendment proposed to the 2013 bill of this act, which required information to be provided to parents and guardians in advance of an offender staying overnight or generally residing in the same household as a child. I refer honourable members to discussion in the Legislative Council *Hansard* of 24 September 2013. Not surprisingly, the Attorney makes no acknowledgement of the opposition's role in highlighting this issue.

In the opposition's view, this amendment and the bill are sensible enhancements of the protection of children from sex offenders, and we support them.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:39):** I do not believe there are any further second reading contributions. I would like to thank those members who have contributed to the debate on the bill. The main object of the bill is to introduce a new type of order, called a control order. The bill inserts a new part into the Child Sex Offenders Registration Act so that the South Australian police will be able to apply to the Magistrates Court for a control order to be made against any registered child sex offender.

A control order made by the Magistrates Court will place restrictions and prohibitions upon a registered child sex offender. For example, a control order would prohibit a registered child sex offender from associating with or communicating with children under a certain age. A control order could also prohibit the registered child sex offender from being in the vicinity of a specified place or a specified class of premises, such as a school or a childcare centre.

The bill also inserts a new reporting requirement for registered child sex offenders who are serious registrable offenders. If one of the serious offenders has or plans to have reportable contact with a child they will now need to tell a parent or supervising adult two things: firstly, they will have to tell them that they are a registered child sex offender; and, secondly, they will have to tell them the offences they committed that resulted in them being a registered child sex offender. This new reporting requirement will act as a deterrent to help prevent the grooming of a child and also to help prevent the grooming of a family in order to gain access to a child.

The new control orders and the other provisions contained within the bill build upon the significant reform from 2013 and further enhance the protection of children from child sex offenders. I recommend the bill to the house and look forward to it being dealt with expeditiously through the committee stage.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:43):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**SURVEILLANCE DEVICES BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 5 June 2014.)

**The Hon. S.G. WADE (15:43):** I rise to make a second reading contribution on the Surveillance Devices Bill 2014. The bill was introduced into this place by the minister on 5 June. The council considered an earlier version of the bill in 2012. Since 2012, a lot has changed and also not a lot has changed. In terms of what has changed, for one, I am no longer the shadow attorney-general, I am representing the shadow attorney-general the member for Bragg in the other place. The government has advised the shadow attorney-general that it wishes to complete the second reading debate of this bill in the Legislative Council this week and to adjourn at the committee stage. I indicate that the opposition supports that approach.

In terms of what has not changed, not a lot has changed with this bill and the Liberal Party continues to hold grave concerns with it. The 2012 bill was tabled on 5 September 2012. The bill passed the House of Assembly on 20 September, three sitting days after the opposition received a briefing on the bill by the government. The bill was developed completely within government. The government failed to consult anybody outside its own departments. To facilitate community consultation and proper parliamentary consideration, the Liberal Party sought and received the support of this council to refer the bill to a committee. The bill was reviewed by the Legislative Review Committee.

The Liberal Party supports cross-border recognition of police surveillance operations and the enhancement of processes for police to use surveillance equipment. However, the bill also introduces more stringent regulation on the way that citizens can use surveillance devices, and we have significant concerns about those aspects. Since the 2012 bill was introduced, and since the 2014 bill has been introduced, there has been significant community, industry and media concern at the impacts of the control on the use of listening devices by individuals and the media, focusing on what I would call the consumer aspects of the bill.

From suppression orders to surveillance devices, from secretive ICAC hearings to criminal intelligence, this government has consistently and steadily moved to increase the power of the state and simultaneously undermine the rights of individuals and their ability to protect their lawful interests. As the Hon. Robert Brokenshire put it in Adelaidenow yesterday:

We've got to the point where it's just a secret state, it's a government-run state that doesn't want a Westminster system. Labor just wants a system where it can do whatever it wants. But we're not going to stand for that. It's showdown time.

The government's approach reduces public confidence in the justice system and a free society and undermines confidence that laws are being implemented fairly.

As I said, the opposition is concerned that the bill may significantly restrict investigative journalism, and in that regard we have had contact from media organisations who have expressed their concern at the bill. These include the AAP, the ABC, APN News and Media, Astra Subscription Television, Channel 7, Channel 10, Commercial Radio, Fairfax Media, Free TV, the Media, Entertainment and Arts Alliance, News Corp Australia, SBS and Sky News. The media has been joined by the RSPCA and dozens of citizens.

Ms Flynn from Free TV wrote in her letter to honourable members about the government's claims in relation to privacy. In that context she quoted from a recent statement from the Law Reform Commission. If I can quote from her letter quoting the commission, it reads:

Just last month, the Australian Law Reform Commission recognised the need for surveillance devices laws to include a public interest defence for responsible journalism, saying:

Some legitimate uses of surveillance devices by journalists may place journalists at risk of committing an offence under existing surveillance devices laws. Responsible journalism is an important public interest and should be protected. Journalists and media organisations should not be placed at risk of committing a criminal offence in carrying out legitimate journalistic activities. The ALRC has therefore proposed a 'responsible journalism' defence to surveillance device laws. This defence should be confined to responsible journalism including the investigation of matters of public concern and importance, such as the exposure of corruption.

As members would be aware, the Australian Law Reform Commission is currently engaged in a major inquiry in relation to the serious invasions of privacy, and I think its comments should be understood in that context. The government pontificates about its commitment to protecting privacy, but I hardly think this government has more credibility in pursuing an appropriate balanced approach on the protection of privacy than the Australian Law Reform Commission.

To touch on other aspects of the bill, it also proposes significant changes that would limit the ability for people to collect data without the express or implied consent of a person. The bill appears to criminalise relatively routine data collection, such as the use of cookies on web pages. The opposition looks forward to the contribution of other members on this bill and to working with them in committee to protect the interests of all South Australians.

**The PRESIDENT:** The Hon. Mr Ridgway.

**The Hon. G.E. Gago:** Don't mind us.

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:50):** Look, I am a busy man. As you know, I have got a lot on my plate at the moment.

**The PRESIDENT:** That's what I heard.

**The Hon. D.W. RIDGWAY:** That's right. I am a very busy person. Anyway, I am not complaining. In fact, as members in this place would know, I never complain: I just get on with the job. I will make a couple of brief comments in relation to this particular bill.

I will just relate an incident that happened on Christmas Day last year. We were in Melbourne for Christmas, and the people across the road said, 'Come across for an afternoon drink,' which of course to me on a hot day was a very pleasant thing to go and do.

**The Hon. T.J. Stephens:** You wouldn't normally.

**The Hon. D.W. RIDGWAY:** No, I wouldn't normally, but I was thirsty. The owner of the house we went to visit had bought himself a drone as a Christmas present, and I was quite surprised when he showed me this thing. He clipped his iPhone to the console. This thing hovered in the backyard, and he said, 'It will do that for a bit so it gets its GPS coordinates,' and then he flew it off down the street.

It looked into everybody's backyard. On his phone, as it is flying along, there are the neighbours—Bill, Mary and Tom—and then, eventually, it disappeared and lost radio contact. He

said, 'Don't worry, it will come back because it has got its own GPS.' Anyway, within five or six minutes, we could hear it buzzing like a big bumblebee, and back it came and down it landed.

He downloaded the vision. It had descended into somebody else's backyard about 20 houses away and filmed straight in their back window. A family were having Christmas lunch. There was nothing in the vision that anybody would be offended by other than it was a massive invasion of these people's privacy.

So, from that day on, I have always been very concerned about these devices. This guy was quite wealthy. He thought it was just an interesting thing to buy. He had been playing with his kids earlier in the day. They were playing footy and he was flying it along the oval at their height, so he showed us that vision. It occurred to me then that we need some strict controls around these sorts of devices for people's privacy and also safety.

There is a reason I wanted to make these quick comments. I recently met with the pork industry. I know that, of course, a lot of us have had communications from the RSPCA. I am sure that the Hon. Tammy Franks will make a contribution shortly because I can see the camera waiting to film her, but I think it is important to acknowledge that the absolute majority, if not nearly all our intensive animal producers, take a lot of care and pride in looking after their livestock and attempt to make sure that they are always well cared for.

They are particularly concerned about poor treatment because, as you would know, Mr President, any animal, whether it is in an intensive situation like a piggery or out in the broadacre situation, the better their health, the better they are looked after, the warmer, the drier, the better fed they are, the more productive they are. I think the debate raging that animals are deliberately mistreated by these people is a bit of a nonsense at times because you simply do not get the production that you would expect to get from them.

The pork industry has raised a number of concerns with me and, internally, the Liberal Party are looking at some amendments. I just indicate that I do not intend to speak any further, but I am looking forward to having further discussions with the pork industry, and particularly the intensive animal industry, just to ensure that, on one hand, animals are not mistreated but also that people's privacy and the way they go about their daily business is not impacted on. With those few words, I look forward to the committee stage of the bill.

**The Hon. T.A. FRANKS (15:54):** I rise on behalf of the Greens to put our perspective on the record with regard to the Surveillance Devices Bill 2014. I do so noting that, in fact, this bill has, at this point, created somewhat of a range of interests. Indeed, a past incarnation of this legislation has been referred to the Legislative Review Committee where some matters were addressed in terms of the effect on individuals that were raised as concerns both by the opposition and members of the crossbench in the last debate. But what we have before us is a bill that I think seeks to crack the problem that is the size of a walnut with something that is the size of a sledgehammer. It is an overreaction.

While the Greens will support parts of this bill in terms of police powers with regard to surveillance devices, we raise grave concerns about the impact that this legislation would have in this state, a state that is already known as a secretive state and a secret state and whose government has a lack of transparency according to the analysis of, for example, freedom of information that is given to citizens and to the parliament of this state. Just last week, we saw yet another example of that with Channel 7's review of the laws around the country and South Australia, to our shame, ranked bottom of all the jurisdictions in Australia with regard to our freedom of information access in this state. But I digress.

This is a bill that was introduced by the minister in the past sitting week with the language that it had become the province of ideological warriors. They are not my words: they are the words of the government and the government raised that this bill had been opposed by vested interests in the media who sought no changes to the law whatsoever. I, and no doubt other members of this chamber, have been talking with various members of the media, and free-to-air TV and other mainstream media organisations have expressed grave concerns about the implications of this bill. Indeed, the argument that has been put is that it would probably put *Today Tonight* out of a job.

I am sure lots of members of parliament would really like to put *Today Tonight* out of a job and to shut down that TV program, but you cannot ignore the work that media does in exposing

issues that are of public concern and are in the public interest. Those issues are wide and varied and examples that I and, I am sure, other members have been given, include animal cruelty exposed at abattoirs such as the mistreatment of turkeys at the Ingham plant in Tahmoor; odometers being wound back by used car salesmen, which led to a successful prosecution; people stealing from charity bins and selling the proceeds; footage exposing cruel and negligent conditions in a nursing home; a rodeo organiser mistreating an animal by demonstrating how to use an electric prod.

We have seen offensive and threatening behaviour by neighbours; a major investigation into drug use and quarantine infringements at a South Australian abattoir; a person promising jobs and visas as part of an illegal immigration scam; the failure of a pawn shop to conduct proper security checks on stolen goods; Frank Zappia, Cronulla Sharks ex-CEO, resigning after a secret tape recorded by a complainant reveals that he punched her in the eye and told a woman to spank him; unhealthy and unhygienic practices in nail salons; footage taken of taxi drivers who were driving unsafely and talking on their mobile phones, indeed breaking that law.

There have been a number of stories of course on puppy farms or puppy factories including footage of a puppy farm in the ACT breeding a banned breed and selling on the internet; workers from a construction site dumping pollutants on public land; solarium operators failing to conduct the appropriate skin checks or warn clients of the risks associated with solariums; uncovering a South Australian stolen credit card operation; salespeople misrepresenting the benefits of particular products, especially in relation to those that would heal or improve illnesses; footage of carwash employees taking money from cars that they were washing—stealing; and a dentist attempting to assault young female patients.

There you have it. We have exposed a range of criminal acts through programs such as *Today Tonight* and other mainstream and national broadcasters—the ABC and the SBS—and investigative journalism has a proud tradition in this area. Indeed, technologies in this day and age have made it more and more possible to expose wrongdoing.

I understand that it was the Channel 7 camera crew who were standing in Whitmore Square just before Christmas, I think it was (just over a year ago), when those two homeless men were beaten brutally and illegally. I shudder to think what would have happened had they not been there. Those two homeless men would have simply copped that beating and would have had no recourse. They would have made the complaint, as they did, to the police authorities, and they would have been ignored had they not had that video footage and, indeed, video footage that was taken by a Channel 7 camera operator who happened to be in the park at the time. The likelihood of that happening for most people who are treated in such a way and beaten up is quite minute.

But in that case not only was that exposed, but I dare say that, under this legislation, that footage would never had seen the light of day. It would not have passed a public interest test, where it would have to have been taken to a court and, indeed, proven that it was in the public interest for people to know that those police officers had beaten those homeless men.

What we are talking about with this legislation is setting the cart before the horse, if you like; that is, setting up a system where people, to prove public interest, will have to go to the courts and will have to undertake extensive and expensive work to shed light on those areas that most need light shed on them: sexual harassment, criminal activity, scammers and, yes, abusive animal welfare. There is a range of areas here, and I am very surprised to see a Labor government doing something that would impinge on workers' rights in such a way.

I draw the attention of Labor members to the fact that Voice of Industrial Death has made a submission to this bill, and I will read from that in a moment. But hot off the presses, the Maritime Union of Australia (SA Branch) has just made a submission to my office, and I am happy to share it with all members not only here in *Hansard* but, of course, I will send this on to your emails. This letter from Jamie Newlyn, the branch secretary, draws to our attention that he is writing with regard to the Surveillance Devices Bill currently being debated. He says that the bill is still too broad in its context. He goes on to say:

The MUA are concerned that the Surveillance Devices Bill...will unintentionally capture workplace representatives, Health and Safety Representatives or concerned employees who may use smart phones or other recording devices to expose unsafe acts at work.

He goes on to say that an employee might expose themselves to criminal charges if they shoot footage using their mobile phone camera to expose a hazardous worksite, workplace bullying,

harassment or other dishonest and unethical conduct in his or her workplace. To have the Maritime Union of Australia expressing concerns about this bill shows that it is not simply the adamantine animal activists who have concerns about this bill, and I quote those words used by the government in the second reading explanation.

Indeed, they spoke of farmers who really want this legislation. I ask the government which farmers made submissions or representations to the government asking for this Surveillance Devices Bill to be put to this parliament in this form? That is my first question. I also ask the government the following. Can it please give examples of where the current laws have been proven to be unworkable with regard to surveillance devices used by the media in this state in the past decade? What attempts at prosecution have been stymied?

Can the government also produce any examples of where the government claims that activism has crossed the boundaries and, indeed, why the current laws of trespass, for example, are not appropriate in those cases because, of course, the laws of trespass would apply to anyone who is being accused of jumping onto somebody's property or going onto their land? Those are longstanding laws we have in this state. I do not know whether having a mobile phone in your hand as you do it is going to make any difference to the fact that you are trespassing. If you are trespassing, surely that should be where we should focus our attention.

The unintended consequences of this bill have also been drawn to our attention by the RSPCA, and they again point to the examples of puppy farms and puppy factories, which this government purports to want to shut down.

I have a note to this government. Just on two years ago, there was a much-heralded example of a puppy factory that was exposed not too far from the metropolitan area. That footage was taken by what you would call animal activists and given to the RSPCA, which used that footage to call out to the community to take those animals and to care for them, to foster them, and nurse them back to health.

I ask the government, if this bill existed, would the RSPCA have been able to use that footage to call for the community to stand up for those puppies? Indeed, we would be blissfully unaware right now that that puppy factory existed in this state. I note that the minister has previously claimed in this place that there were not any puppy factories in South Australia so I am happy to see that we have proven that one wrong but not happy that we have puppy factories.

The thing is, we as a broader community will not know that we have these puppy factories unless we have the ability for people to expose these things. As I say, to shine a light into the dark corners that deserve to be lit. The RSPCA's CEO, Tim Vasudeva, has expressed grave concern about the impact of this bill. Indeed, he also concurs with the Law Society's concerns with this bill, that:

There is a lawful interest in using a surveillance device against another person without that person's consent where the use is proportionate and necessary to achieve some legitimate objective.

The Law Society of South Australia suggests that use of a surveillance device can in some circumstances serve a beneficial social purpose, and raises the issue of whether an individual or social benefit outweighs any detriment to an individual's privacy.

An example would be the use of surveillance devices in the course of investigative journalism where there is a substantial basis to believe that information of significant public importance may be gathered.

The RSPCA goes on to say more specifically that here in South Australia their concerns are that:

...animal welfare organisations maintain the right to publish content in the public interest, such as material representing acts of animal cruelty, abuse, suffering and neglect.

The Coalition for the Protection of Racehorses has also written to me and no doubt other members of this place, and they have pointed to undercover investigators from their organisation witnessing:

...horrific animal cruelty at a Melbourne knackery—where ex-racehorses were beaten over 50 times and shot in front of one another, and one horse was shot in the head, dragged by a tractor across concrete and gravel for 60 metres, and found to still be alive. The animal writhed around while his throat was slit, agonising until the last breath was taken four minutes later. This footage was provided in an official complaint to authorities...

and it would not have come to light had these investigators not documented that cruelty with the technology that is currently available to us. Indeed, we have moved on in this world and I think it is

ironic that we debate this bill today in a place where, yes, as the Hon. David Ridgway noted, I am filming my own speech, but I do so because speeches in this place are not filmed. Unlike every other parliament in this country, we do not allow people to take photos in this place.

**The Hon. G.E. Gago:** Here we go.

**The Hon. T.A. FRANKS:** Yes, indeed, the minister recognises that there is a camera in this place. I point out to members that it is the only parliament in the country that does not broadcast its parliament, whether it is through the web or other means. How in the dark ages are we as a parliament in South Australia? We rest on our laurels of being the first place to have extended suffrage to women and many other proud achievements in which we have led the way, but we have rested on our laurels too long. We are stuck in the 20<sup>th</sup> century and we are in the 21<sup>st</sup> century.

But I digress and members get into a chatty debate that they probably would not do if we had the cameras running here all the time. In fact, I think we would find that our debates would probably be a little more decorous after the initial excitement and flurry of visual attention was lost.

I just want to draw members' attention to the final submission that I will refer to today. No doubt you have all received phone calls and letters, as my office has done, from various organisations, but I draw members' attention to a submission from the founder of Voice of Industrial Death (VOID), Andrea Madeley, who is well known to many of us here, who lost her son due to a workplace incident and who works with many who have lost loved ones in worksites. She raises workplace safety concerns with regard to the Surveillance Devices Bill 2014, stating:

...an employee would expose himself to criminal charges if he shot footage using his mobile phone camera to expose a hazardous worksite, workplace bullying, harassment or other dishonest and unethical conduct in his workplace.

The MUA, and I imagine any other unions that you might care to consult with, can see the relevance of this bill impinging on the work of protecting workers' rights in this day and age. We know that a young woman, for example, who is sexually harassed in her workplace is very powerless, but if she has a phone in her pocket and she captures that, that gives her not only the power to take action but indeed to be believed, because she has the proof.

This bill, as I say, seeks to crack a problem that is a walnut with something the size of a sledgehammer; it goes too far. The Greens will support the police parts of this bill; we challenge this government to accept the will of this chamber and recognise that they have erred here. They have erred and they have stepped too far with their attempts to curtail what are legitimate and legal practices, whether they are done by an individual, whether they are done by a citizen journalist, or whether they are done by the mainstream media, to expose what deserves to be exposed.

With those few words, I will have many questions with clause 1, should we get there, and I certainly look forward to the government bringing back those examples of where the farmers and the animal activist community made representations to government about this bill.

**The Hon. K.L. VINCENT (16:11):** I take the floor to put on the record a few comments on behalf of Dignity for Disability on this issue, and indeed from a personal level as well as a proud member of the Adamantine Animal Activists Association of Australia. I do hope that when my past English teachers thumb through the *Hansard* to read this, as I know they will, they enjoy that shining piece of alliteration.

A number of the very grave concerns that I hold have already been placed on the record by other members, so I will not repeat them and my make comments quite brief. When this parliament last considered the bill in this place I raised a number of those concerns, and I am glad to see that some of them have been addressed since the bill has returned to us. Having said that, I of course continue to be concerned, as a number of my colleagues certainly appear to be, by the bill's provisions regarding the publication of information gained through the use of surveillance devices.

Mr President, read together with the very broad definition of different classes of surveillance devices, Dignity for Disability finds it concerning that the passage of this bill in its current form would place an enormous burden upon individuals, small business owners, NGOs, the news media and the courts. I understand that there are a number of proposals to amend the bill being contemplated by members who share my concerns, and I will consider those amendments very seriously as they become available.

Dignity for Disability is of course highly supportive of the drive to achieve national harmonisation in this area in order to enhance cross-border efforts to combat serious and organised crime; however, we are unable to accept as a part of that process changes that we believe will have so serious an impact on civil liberties, press freedom and political communication. As other members have pointed out, there are many times when the use of such devices would be considered by the vast majority of the public to be completely legitimate and in the public interest.

In summary, I have grave concerns regarding the bill in its present form, but I will continue to support amendments to address the publication issues and the passage of an amended bill.

**The Hon. G.A. KANDELAARS (16:14):** I must say, I am somewhat surprised at the paranoia that seems to be driven by some in relation to this bill. I was chair of the Legislative Review Committee that did review this legislation, and we did it very thoroughly, and we did it for very good reason. One of the prime concerns was about the interest of privacy, and a very significant interest it is. There is a lot of paranoia around this and one of the things that we need to draw attention to is that this bill does have exemptions in it. One key exemption is a public interest test, and it says that that public interest test, before publication, is that a matter will actually require some judicial oversight.

It surprises me that I did not hear people object to division 3 of this bill. Division 3 essentially requires, in the case of law enforcement, a judicial review in terms of covert surveillance, or bugging. Let us call it bugging, because that is what it is. We are saying, 'Well, yes, there should be some form of test applied.' If somebody is going to bug somebody without their authority then there should be some form of test in that.

Let us come to some other issues. I hear that the media is highly concerned and that journalistic freedoms might be impinged. The committee did consider that, and considered it very seriously. One of the prime concerns here is that issue of public interest. Look at what has occurred in other places. Let us look at the UK and the Leveson inquiry. Where were the journalistic morals when that was going on? Where were the journalists' morals in that circumstance? They were quite at liberty to go and bug people's telephone messages. It did not concern them at all. They are now before the courts, and rightly so. If we are going to say that journalism in this country is not capable of doing the same thing, people have got rocks in their heads, to be quite frank.

There is a distinct difference between what might interest the public, which is a test that the committee seriously looked at, and the public interest. What we finally did say is that there should be some judicial oversight in terms of determining that public interest test. I think that is a very significant point, a point that is lost here, because this is about people bugging other people. It is about people's privacy. It is a point that is very, very important. I do not see people from the Greens or others standing up and complaining that if there are no controls then people's privacy is seriously at threat. Given the technology and the types of devices that I heard the Hon. David Ridgway talk about, how are you going to ensure your privacy? There is no way.

There is another point, because the act does have an exemption for protecting your legal rights. The act clearly has an exemption that says that you can protect your legal rights, and you can do that by bugging somebody. So, the issue that the Hon. Tammy Franks raised in terms of a poor woman who is being sexually harassed at work or wherever is certainly covered by that.

As I said, nobody is complaining about division 3 and expecting our law enforcement agencies to have to go through some test. What we are saying is that, for some reason, the media in this country does not have to perform any test. One telling point in the evidence given to the Legislative Review Committee was a question asked of the lawyer, from Kelly & Co (I cannot remember their name), representing the media. Asked how often the media have been prosecuted for breaching the public interest test—and there have been cases where they have breached it—the answer, sadly, was never. Never has there been a court case for a breach of privacy for breaching the public interest of an individual.

*The Hon. S.G. Wade interjecting:*

**The Hon. G.A. KANDELAARS:** There have never been prosecutions for a journalist breaching someone's privacy per se. There needs to be a serious look taken, within this bill, in relation to how we protect individuals against unlawful surveillance by bugging. That is the key point here. With due respect, the committee thought that the best way to do that was to say 'Alright, it will

happen and people will seek to protect their legal interests, but before they go and publish they should be able to go off to a magistrate or a member of the judiciary and have that assessed for the public interest test.'

On another issue, people were saying that this puts us out of step with other states. That is not correct; in fact, some of the determination of the committee came about from evidence brought to it that similar provisions actually exist today in Western Australia and the Northern Territory. New South Wales also has some significant tests applied to people being bugged. So, as I said earlier, I am quite surprised at the paranoia that is being raised.

If we are saying that we do not trust our judiciary to make an assessment about private individuals and organisations bugging people, why do we trust it to do it for our law enforcement? That is my question, because that is not answered. No-one in this place is questioning division 3, which requires law enforcement to go through a process; no one is suggesting that should not occur, yet when it comes to a private individual we are saying that it is carte blanche, 'You can go and publish it.'

What right to privacy does an individual have? I have not heard the answer to that, and it is a serious question, given the types of technology we have today. Given the fact that a mobile phone is a tracking device, an optical surveillance device, and an audio surveillance device, I have not heard from people how we are going to protect an individual's privacy against covert surveillance. Until I hear that answer I will stick with the bill that the government is proposing.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:23):** I do not believe there are any further second reading contributions on this bill. The bill has been to this place once before, and we seek to reintroduce it because we believe these are important changes for us to adopt in this state. A number of questions and issues have been raised during the second reading contributions, and I will seek to bring back answers and responses to those during the committee stage. I thank members for their contribution, and look forward to dealing with this bill through the committee stage.

Bill read a second time.

## **CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 19 June 2014.)

**The Hon. D.G.E. HOOD (16:25):** It will come as no surprise to members in this chamber that Family First is a strong supporter of this bill; and that is because we recognise the significant impact that drugs and drug offences have on our society. We have long been proponents of much harsher sentencing for people who make a living and profit from the misery that is the manufacturing and selling of illicit substances. Accordingly, Family First strongly supports the bill and the intention behind it.

Statistics on commercial drug offences released recently by the Office of Crime Statistics and Research shows that convictions for crimes such as those intended to be covered by this bill have increased, in some cases quite dramatically, in the last five years. For example, convictions for trafficking in a large commercial quantity (so, right at the top end of the scale) of a controlled drug have more than doubled between 2008-09 and 2012-13.

It is pleasing that there has been an increase in convictions. However, it is particularly concerning that many drug traffickers are receiving minimal sentences or minimal fines or even nothing at all for such serious drug offences. The current legislation for large commercial quantity of drug offences allows sentencing discretion for life imprisonment, a fine of \$500,000 and/or both, yet the results of this commercial drug report indicate that no-one has ever come even remotely near to being sentenced to anything like this sort of penalty.

There are many contributing factors as to why someone enters into the criminal lifestyle, one of which undoubtedly is the lucrative lifestyle that the manufacturing of drugs can provide. Drug dealers notoriously have little or no consideration for those whom they sell their product to. The

motivation is usually clear; that is, around the profitability that can come from successful sales versus the unlikely possibility of being caught. It has been speculated that there are more Ferrari and Lamborghini drivers who make their living from drug manufacturing than many other professions.

It stands to reason that drug crime will escalate if those involved in it are of the belief that they are unlikely to get caught or suffer any significant penalty from their involvement in this criminal enterprise. Family First believes it is important to send a clear message to those in the criminal lifestyle and those who may be considering a criminal lifestyle that in fact crime does not pay. We believe that this bill takes significant strides towards sending that message.

The confiscation of assets that can be clearly shown to have been unlawfully acquired or as the proceeds of crime is something that we wholeheartedly support. This bill, however, goes one step further by allowing assets that have been purchased 'lawfully' to also be confiscated, excluding those assets which a bankrupt would be allowed to keep under a normal situation. This deviation from the Western Australian model allows someone access to household necessities but no more. We believe that this is not only a smart but a fair move and commend the government for including this provision in the bill.

I previously made a similar statement to the chamber but I consider it worth repeating: there is every likelihood that high-end drug offenders making a living out of this trade have significantly accumulated wealth, not only from the offences of which they are being convicted but also from other offences that have not been detected. Additionally, any legal income (so-called legal income) would become mixed with that of the illegal enterprise, making it next to impossible to determine which assets have been purchased by legitimate and legal means and those which have not.

Family First does not believe these offenders should be given the benefit of the doubt in keeping assets as it is our belief that the source of those assets is ultimately from criminal activity. We know that it is common practice for high-end drug manufacturers and criminals involved in this sort of activity to use the proceeds of their crime to set up what might be termed legitimate businesses in order to launder the money. This bill gets around that problem.

Accordingly, we strongly believe in the principle of what the government is trying to achieve with this bill, and we look forward to the passage of any legislation that will send a strong message to the criminal element that drug crime simply will not be tolerated, it will not pay and it is not worth considering.

I also make mention that I have filed an amendment to this bill. I will explain it in more detail when I come to move it in committee, but essentially, as the government's bill stands, it seeks to classify a particular offender as a repeat drug offender and therefore qualify to have their assets removed if they are convicted at least three times in a 10-year period. We think that is not strong enough, and my amendment would seek to remove the 10-year requirement. If the amendment is successful, it would mean that, if a particular offender is convicted—and I stress the word 'convicted'—three times or more over any time period, then they would qualify as a repeat high-end drug offender and have their assets confiscated under this bill. We support the bill.

**The Hon. M.C. PARNELL (16:30):** This is the third time I have spoken to this bill. On 15 September 2011, in opposing the bill, it took me 1,871 words, and I put a great deal of argument and material on the public record. The second time the Greens rose to oppose this bill was on 15 March 2012. It only took me 148 words to say that the bill was bad law. I will try to do better today.

This is bad law. It was bad law in 2011, bad in 2012 and it remains bad in 2014. The Law Society was right to strongly oppose this bill. The Law Society was right to call this bill unfair, unjust and unreasonable. The Greens continue to oppose this bill.

Debate adjourned on motion of Hon. J.M. Gazzola.

At 16:33 the council adjourned until Wednesday 2 July 2014 at 14:15.